



AGENDA BILL APPROVAL FORM

Agenda Subject: Public Hearing: Extending the moratorium on development within the 100-year FEMA floodplain		Date: October 13, 2009
Department: Planning, Building and Community	Attachments:	Budget Impact: none

Administrative Recommendation: City Council conduct a public hearing on extension of the moratorium on development within the FEMA 100-year floodplain, previously approved under Resolution No. 4416, and amended by Resolution Nos. 4442 and 4476.

Background Summary:

On November 17, 2008, Auburn City Council passed Resolution No. 4416 that established an initial six month moratorium on development within the Federal Emergency Management Agency (FEMA) identified 100-year floodplain. The City Council enacted this moratorium in response to the finding by the National Marine Fisheries Service (NMFS) that administration of the National Flood Insurance Program jeopardizes endangered species. The purpose of the moratorium was to give the federal agencies time to develop technical assistance for local jurisdictions, and in the interim, limit liability to private parties and the City.

Subsequent to the enactment of the moratorium on November 17, 2008, the City has taken the following actions:

- City staff formed a staff level floodplain moratorium working group to review development proposals and those projects that have no impact on the floodplain (i.e. interior remodels, removal of fill or impervious surface, demolition, etc.).
- Staff organized and led a public information meeting on the moratorium and Biological Opinion on December 10, 2008, which was attended by over 50 people.
- Following public testimony at the January 5, 2009 required public hearing for the moratorium, Mayor Lewis requested staff to coordinate the formation and operation of a community task force to assist in resolving this issue. The community task force has met three times.
- The City Council adopted Resolution No. 4442 on January 20, 2009 amending the moratorium to allow processing boundary line adjustments, environmental review applications, and development applications on those portions of a property not wholly impacted by the 100-year floodplain.

L1019-1

O3.10.8

Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
---	--

Action:

Committee Approval:

☒ Yes ☐ No

Council Approval:

☐ Yes ☐ No

Call for Public Hearing 10 / 19 / 2009

Referred to _____

Until ____/____/____

Tabled _____

Until ____/____/____

Councilmember: Norman	Staff: Baker
Meeting Date: October 19, 2009	Item Number: II.A.1

- The City of Auburn organized a regional meeting regarding the NMFS Biological Opinion on March 23, 2009. Approximately 50 people attended the meeting, including representatives from the community task force, six other jurisdictions, and FEMA.
- The City Council adopted Resolution No. 4476 on May 4, 2009, extending the moratorium to November 18, 2009.
- Staff from Auburn, and seven other cities and counties in Western Washington were asked to participate in a focus group and provide comments on a model ordinance. The focus group met on August 6, 2009 and September 24, 2009 to provide review comments and discuss issues raised by the initial drafts of the model ordinance. FEMA has advised the City that the model ordinance is expected to be completed and available to the affected cities early in 2010.

In order to continue to limit liability for private parties and the City, staff is recommending extending the moratorium six months to await the model ordinance.